

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**ATEF SOLIMAN,**

**Plaintiff,**

**v.**

**STARR INDEMNITY & LIABILITY  
COMPANY,**

**Defendant.**

**CIVIL ACTION NO.**

**NOTICE OF REMOVAL**

The defendant, Starr Indemnity & Liability Company, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this case from the Chancery Court of Davidson County, Tennessee, in which it is now pending, to the United States District Court for the Middle District of Tennessee, at Nashville, and furnishes the following supporting information.

**The Plaintiff's Allegations**

1. The plaintiff commenced this action on February 23, 2018, by filing his complaint in the Chancery Court of Davidson County, Tennessee, Case No. 18-207-I.
2. In its complaint, the plaintiff alleges that he is the owner of a vape store, called Smoke N Glass, LLC, which is located in Nashville, Davidson County, Tennessee, and which was set to “start operation” on July 1, 2017.
3. The plaintiff alleges that, on or about May 27, 2017, he purchased “business insurance coverage” for Smoke N Glass, LLC from Starr.
4. The insurance policy issued by Starr to Smoke N Glass, LLC is attached as Exhibit 1 to the complaint. Notably, Smoke N Glass, LLC is the named insured on the policy, not the plaintiff. As such, the plaintiff is not the proper party in this action.

5. The plaintiff alleges that, on June 22, 2017, an unknown intruder “broke into the plaintiff’s store where he stored his inventory and stole about \$103,544.33 worth of vaping merchandise.”

6. The plaintiff alleges that he reported the claim to Starr, but that Starr denied his claim for insurance coverage under the policy.

7. The plaintiff requests a declaration of his rights under the policy issued by Starr for the alleged damages resulting from the June 22, 2017 incident.

8. Starr was served with the plaintiff’s complaint on April 30, 2018 through service of process on its registered agent, CT Corporation.

### **Removal is Proper**

9. This case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Starr satisfied the procedural requirements for removal, and this Court has subject matter over this action pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1332.

10. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action in which the amount in controversy exceeds the jurisdictional minimum and there is complete diversity of citizenship between the parties.

11. Based on good faith belief and information, including allegations in the plaintiff’s complaint claiming the loss of about \$103,544.33 worth of merchandise, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

12. The plaintiff, Atef Soliman, was, at the time of the commencement of this action and all times thereafter, a resident of Davidson County, Tennessee. *See* Compl., ¶ 1. While Smoke N Glass, LLC is not the named party in this action, it is Starr’s understanding that Atef Soliman is the only member of Smoke N Glass, LLC, and, thus, Smoke N Glass, LLC is also a citizen of Tennessee.

13. Starr is a Texas corporation with its principal place of business in New York, New York. *See* Compl., ¶ 2. Starr was not, at the time of commencement of this action or at any time thereafter, a citizen of Tennessee.

#### **Removal is Timely**

14. The Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because Starr was served with the complaint on April 30, 2018. The thirty days allowed under 28 U.S.C. § 1446(b) have not expired.

#### **Venue is Proper**

15. This Court is the proper venue under 28 U.S.C. § 1441(a). The state court action was filed in Davidson County, Tennessee, and the United States District Court for the Middle District of Tennessee, Nashville Division, is the United States District Court embracing the place where the state action is pending.

#### **Procedural Requirements**

16. Written notice of the filing of this Notice of Removal will be given to all parties, and a copy of this Notice of Removal will be filed with the Clerk of the Chancery Court for Davidson County, Tennessee, as provided by 28 U.S.C. § 1446(d).

17. In accordance with 28 U.S.C. § 1446(a), true and accurate copies of the summons and complaint, which constitute all pleadings and other documents served upon Starr to date, are attached collectively hereto as Exhibit A.

18. For the foregoing reasons, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, and this action is properly removed pursuant to 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Starr Indemnity & Liability Company prays that Civil Action No. 18-207-I pending in the Chancery Court of Davidson County, Tennessee, be removed to and proceed in this Court and that no further proceedings be had in the Chancery Court of Davidson County.

Respectfully submitted,

s/Lauren Paxton Roberts

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*Counsel For Defendant Starr Indemnity &  
Liability Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Removal was electronically filed using the CM/ECF System and a copy was served by United States First Class Mail, postage prepaid, on this 3rd day of May, 2018, to the following:

Ali Abdelati  
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325 Plus Park Blvd., Suite 200 B  
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*Counsel for Plaintiff*

s/Lauren Paxton Roberts

Lauren Paxton Roberts